



The legal and ethical rationale for inclusion

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Acknowledgement

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Purpose, audience and objectives

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| Purpose | This short guide considers the legal obligations that largely revolve around the ratification of the United Nations Convention of the Rights of Persons with Disabilities (UNCRPD), an international human rights treaty intended to protect the rights and dignity of persons with disabilities. The commitment to inclusion by disability confident corporations and organisations must look beyond legal compliance as noted in the guide, which also goes further to show how to link youth with disabilities in programming. |
| Audience | It is one of a series of short guides developed by Sightsavers, within Futuremakers by Standard Chartered , and specifically written with Youth Business International programme partners in mind. While advice included in the document is more targeted towards YBI's youth entrepreneurship programme, we have tried to make these relevant to all Futuremakers projects. |
| Objectives | <ol style="list-style-type: none">1. To build greater disability confidence of the reader and how partners can better include youth with disabilities in their Futuremakers projects.2. To give specific examples, advice and simple steps on how to adapt projects to be more inclusive of youth with disabilities. |

Legal obligations on inclusion

Legal obligations largely revolve around State ratification of the UN Convention of the Rights of Persons with Disabilities (UNCRPD). Ratification legally binds States (governments) to respect the standards of the Convention and obliges them to implement comprehensive human rights-based legislation. This includes prohibiting discrimination in employment as explained in Article 27 of the UNCRPD on work and employment.

UN Convention of the Rights of Persons with Disabilities (UNCRPD)

The Convention on the Rights of Persons with Disabilities is an international human rights treaty of the United Nations intended to protect the rights and dignity of persons with disabilities. Parties to the convention are required to promote, protect, and ensure the full enjoyment of human rights by persons with disabilities and ensure that persons with

disabilities enjoy full equality under the law. The Convention serves as a major catalyst in the global disability rights movement enabling a shift from viewing persons with disabilities as objects of charity, medical treatment, and social protection towards viewing them as full and equal members of society, with human rights. The UNCRPD came into force on 3 May 2008. As of 2022, it has 164 signatories and 186 ratifications/accessions.

The specific rights recognised in the Convention are:

- Equality before the law without discrimination
- Right to life, liberty, and security of the person
- Equal recognition before the law and legal capacity
- Freedom from torture
- Freedom from exploitation, violence, and abuse
- Right to respect physical and mental integrity
- Freedom of movement and nationality
- Right to live in the community
- Freedom of expression and opinion
- Respect for privacy
- Respect for home and the family
- Right to education
- Right to health
- Right to work
- Right to an adequate standard of living
- Right to participate in political and public life
- Right to participate in cultural life

The full text of the UNCRPD can be found here:

<https://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities.html>

Ethical rationale for inclusion

Whether we are a public or private sector corporation or a development sector programme, our commitment to inclusion must look beyond legal compliance. Disability is a significant part of any society or population, and therefore exclusion is impossible to argue as rational. People with disabilities are entitled to all rights and freedoms in a way that is respectful and accommodating of their difference.

Disability confident corporations and organisations:

- Understand the impact of disability on their business or programmes and on the communities and markets in which they operate
- Understand the positive impact of inclusion and accessibility for all people, including those with disabilities
- Remove barriers for groups of people with similar impairments and access requirements

- Make the reasonable adjustments (accommodations) which enable individuals to contribute based on their capability and potential
- Do not make assumptions about human potential on the basis of a label “disability”

An increasing number of corporations are beginning to recognise the ethical rationale for inclusion, and embed disability into their business sustainability strategies, whether that be in the inclusion of people with disabilities into their workforces, their supply chains, or their customer (consumer) focus and product innovation.

Now that I know, what do I need to do?

- Be in a position to refer to relevant national and international guidance and standards, including the CRPD, that support equality and non-discrimination in your work
- Support organisational policies and procedures to addresses equality and non-discrimination in line with the CRPD as well as other relevant frameworks. Have an awareness on different international, regional, and national frameworks that are influenced by the CRPD and how these are translated at national level to support inclusion of youth with disabilities in programming

Further Reading

ILO Global Business & Disability Network survey on Diversity & Inclusion (2021)

https://www.ilo.org/wcmsp5/groups/public/---ed_dialogue/---act_emp/documents/publication/wcms_841348.pdf

The Valuable 500's Valuable Truth Report (2022) <https://www.thevaluable500.com/wp-content/uploads/2022/05/The-Valuable-Truth-2022.pdf>

Inclusive Futures <https://inclusivefutures.org/employment/>

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